IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl.Misc. No.61786-M of 2006
Date of Decision:- 09.1.2007

Devinder .....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate.

vs.

The State of Haryana & anr. .....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:- HON'BLE MR. JUSTICE SURYA KANT.

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SURYA KANT, J. (ORAL)

The petitioner, who is a life convict, assails the order dated 13.9.2006 (Annexure P-1) passed by the Director General of Police (Prisons), Haryana whereby his request for parole for agricultural purposes, has been turned down on the ground that as per the jamabandi there is no land in possession of the prisoner.

Somewhat similar stand has been taken in the reply filed on behalf of the respondents.

Learned counsel for the petitioner, however, relies upon copies of the Jamabandi (Annexure P-3) and Khasra Girdawri (Annexure P3/A) to contend that the father of the petitioner, namely, Sukhi Ram, was owner in possession of the agricultural land. According to learned counsel for the petitioner, the petitioner's father has unfortunately expired and there is no one in the family who can cultivate the land. In this regard, she has also relied upon the letter dated 31.7.2006 (Annexure R-1) of the District

Magistrate, Faridabad recommending the petitioner's case for release on parole on the ground that there is no other family member at his home to do the agricultural work. It is also mentioned that the petitioner was released on parole earlier also and he went back to undergo the remainder of the sentence after availing the parole peacefully.

There is hardly any dispute with the fact that the petitioner's father was owner in possession of the agricultural land. If it is a fact that he has died and there is no one in the family to do the agricultural work, the petitioner's request to release him temporarily on parole for agricultural purposes would be totally justified, moreso when the District Magistrate has recommended the same and as per the past record, he has not been found to have misused the said concession.

Consequently and for the reasons afore-stated, this petition is allowed; the impugned order dated 13.9.2006 (Annexure P-1) is quashed and a direction is issued to the Director General of Prisons, Haryana, to reconsider the petitioner's request after getting verified the fact as to whether or not his father has died and there is no other male member in the family who can look after the agricultural land. The necessary decision shall be taken within a period of one month from the date of receipt of certified copy of this order.

January 09, 2007 **(SURYA KANT)**
poonam **JUDGE**